

# Notice of Allowability

Application No.

09/502,699

Examiner

Inder P. Mehra

Applicant(s)

GRANT ET AL.

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to "Response to office action" dated 5/30/06.
2. ☒ The allowed claim(s) is/are 1-46.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**JOHN PEZZLO**  
**PRIMARY EXAMINER**

### **DETAILED ACTION**

1. This office action is in reference to “response to office action” dated: 3/25/05 and dated: 5/30/06. Based on these responses to office action, claims 1-46 are pending.

### ***Allowable Subject Matter***

2. Claims 1-46 are allowed.

### **REASONS FOR ALLOWANCE**

3. The following is an examiner’s statement of reasons for allowance:

The prior art of record does not disclose, teach or suggest directly, or indirectly the following limitations in combinations with other limitations of the claims, as follows:

As recited by claims 1, 9, and 24,

“control functionality arranged to administer access to the core network through securing network access capacity via at least one of the multiple isolated connections wherein a first of the gateways accesses the core network via an isolated connection to a second of the gateways when an isolated connection to the first gateway is unable to support access to the core network”.

As recited by claim 18,

“administering access to the core network for one of said interconnected distribution gateways through securing network access capacity using at least one of the multiple isolated connections indirectly accessible to said one of said interconnected distribution gateways via an intermediate gateway when an isolated

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connection to said one of said distribution gateways is unable to support access to the core network”.

As recited by claim 31,

“code that directs the home gateway to administer access to the core network for the home gateway through securing a share in network access capacity provided by the isolated communication resources associated with both the home-gateway and the at least one further home-gateway when the isolated communication resources to the home-gateway are unable to fully support access to the core network;

wherein the code that arbitrates interconnection and the code that directs the home gateway reside in a computer readable medium”.

As recited by claims 36 and ,

“generating a varying level of subscriber charge for broadband access to the core network in response to use by the subscriber of direct and indirect isolated connections between their associated distribution gateway and the core network; and recording the varying level of charge in a database for subsequent billing purposes”.

As recited by claim 39,

“code that generates a varying level of subscriber charge for broadband access to

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the core network in response to use by the subscriber of direct and indirect isolated connections between their associated distribution gateway and the core network;  
and  
code that records the varying level of charge in a database for subsequent billing purposes;  
wherein the code that arbitrates interconnection and the code that directs the distribution gateways reside in a computer readable medium”.

As recited by claim 40,

“a consolidation function arranged to direct downstream information packets to a data device associated with a first home-gateway via both a direct isolated connection and an indirect direct isolated connection via a second home-gateway when the direct isolated connection to the first home-gateway is unable to fully support access to the network”.

As recited by claim 43,

“sending data packets between a data device, associated with a first distribution gateway, and the network in an un-encrypted form across a direct isolated connection existing between the network and the distribution gateway', and  
sending encrypted data packets between the data device and the network across an indirect isolated connection existing between the network and a second distribution gateway interconnected to the first distribution gateway”.

As recited by claim 44,

“monitoring and recording access made to a direct isolated connection between the first distribution gateway and the network by subscribers other than the first subscriber',

charging the first subscriber for leasing the direct isolated connection; and discounting the charge for provisioning network access to the first subscriber based on access made to bandwidth supported by the direct isolated connection by subscribers other than the first subscriber”.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.

### ***Conclusion***


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Inder P. Mehra whose telephone number is 571-272-3170. The examiner can normally be reached on Monday through Friday from 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Inder Pal Mehra* 8/1/06  
Inder P Mehra  
Examiner  
Art Unit 2617

  
**JOHN PEZZLO**  
**PRIMARY EXAMINER**